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SIPDIS

SENSITIVE

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SUBJECT: ISRAEL: SIXTH ANNUAL TRAFFICKING IN PERSONS REPORT
(4 OF 4)

REF: A. SECSTATE 03836

[B](#). TEL AVIV 596

(SBU) This cable forms the fourth part of a four-part message in response to reftel A. Embassy point of contact is poloff James Miller, phone (972)3-519-7437, fax (972)3-519-7484.

-- C. Is there a screening and referral process in place, when appropriate, to transfer victims detained, arrested or placed in protective custody by law enforcement authorities to NGO's that provide short- or long-term care?

-- Sex Trafficking:

Detained foreign nationals suspected of violating immigration law undergo several screening and monitoring procedures. After arresting a foreign national, a police officer, accompanied by an official from the Interior Ministry, conducts a hearing, during which the officer and official determine whether to send the suspect to an immigrant detention center. NGOs claim that, during the year, the officials did not usually provide interpreters at these hearings, which they frequently conducted in Hebrew.

If the officer and official decide to send a suspect to the detention facility, a judge of the Tribunal for Detention Review then interviews the detainee at the detention facility to evaluate the merits of the case and to determine whether or not to deport him/her. Both the GOI and NGOs reported that the government consistently provided foreign nationals an immigration hearing before a tribunal judge within four days of detention.

At any point during this process, an official who identifies a trafficking victim can contact the police, who can investigate trafficking charges, obtain information from the victim, and/or send her to the shelter. The GOI and NGOs noted that this procedure, during 2005, began to take hold and consistently functioned effectively. NGOs observed, however, that the procedure relied heavily on a few effective policemen who responded rapidly and humanely to referrals of trafficked women. Since the government has not created a clearly documented and official referral process, the procedure may suffer if key individuals leave their current positions.

The IA claims that it referred minors staying illegally in Israel to NGOs or local social service agencies for assistance instead of detaining them. Post interviewed several minors from western Africa whom officials at the Tzochar Detention Center, who reported that due to difficulties with their travel documents they had been detained for several months. They explained that they traveled illegally to Israel in search of work.

NGOs aver that officials at the detention centers often deport victims before referring them to police officers. NGOs also claim that while officials do conduct these hearings systematically, the interviewers do not receive adequate training on TIP and do not consistently refer victims with health problems to the appropriate professionals. Also, according to NGOs, officials at the detention centers fail to follow-up individual cases consistently.

The IA generally grants NGO representatives access to detention facilities, where they can assist victims.

-- Labor trafficking:

The procedures described above apply equally to victims trafficked for prostitution and for labor, as police officers send all foreign nationals to the same detention centers.

The GOI says that an ITL Ministry inspector conducts an additional interview for laborers, to determine whether their employers owe them money and, if so, to facilitate its collection. They have the right to, but, in practice, no guarantee of, legal representation. Workers may contest deportation orders, but they often lacked the fluency in

Hebrew, placing them at a considerable disadvantage. Deportation tribunal judges reported three times during the year that the lack of interpreting services hindered the judicial process. On September 25, in response to an NGO petition to the Supreme Court, the government indicated that work continued on the draft of a tender for interpreting services. According to NGOs, the government has spent three years drafting the tender, and at year's end, had still not completed it.

According to NGOs, the IA rarely released foreign detainees pending judicial determination of their status. Moreover, if the detainee's country of origin had no diplomatic or consular representation, detention could last months, particularly when the detainee needed new travel documents. During the year, according to NGOs, the police detained and deported legal foreign workers to meet so-called quotas to reduce the foreign worker population. The Hotline claimed that IA police often detained properly documented asylum seekers, but did not specify how many times the police did so.

-- D. Are the rights of victims respected, or are victims also treated as criminals? Are victims detained, jailed, or deported? If detained or jailed, for how long? Are victims fined? Are victims prosecuted for violations of other laws, such as those governing immigration or prostitution?

NGOs report that police and immigration authorities often treated victims of trafficking as illegal foreign workers and quickly detained and deported them. The GOI acknowledges that it failed to identify some victims before deporting them. The government did not fine trafficking victims, according to both NGOs and the government. Except in two instances, described below, police and prosecutors did not indict TIP victims for crimes integral to their trafficking.

-- Sex trafficking: During the year, prosecutors indicted for the crime of illegal entry two trafficking victims, after these victims returned several times to Israel. In response to the indictments, the de facto coordinator requested that the government re-examine this policy. The government decided that as a rule victims should not be indicted on crimes integral to their trafficking, even if they have returned to Israel several times. In addition, the government decided that women meeting certain minimum criteria of trafficking victims should be considered victims even if they did not so admit.

According to GOI and NGO sources, the government deported many sex trafficking victims soon after their discovery. The government reports that it deported a total of at least 682 women who met the minimum criteria of trafficked women, a total which, officials claim, amounts to fewer identified victims than it did in previous years.

-- Labor trafficking: Government officials deported most labor trafficking victims for violations of immigration laws, but did not prosecute them. The IA detained most workers for an average of two weeks before deporting them. During the year, the government deported 7,235 workers. In many cases, according to GOI and NGO contacts, the government subsidized the workers' airline tickets home. NGOs noted that the government deported most victims of labor trafficking before identifying them as victims or allowing them to testify against their traffickers.

-- E. Does the government encourage victims to assist in the investigation and prosecution of trafficking?

-- Sex trafficking: Police say that they always try to convince victims of sex trafficking to testify. NGOs claim, however, that the police often fail to identify trafficking victims as such, deporting most before they have a chance to testify, thereby losing valuable evidence against traffickers. The government estimates that at least 682 women in detention centers during the year met the minimum criteria to be classified as cases of trafficking victims, even if they did not so admit.

Police claim that because traffickers have begun to realize that the police encourage women to testify against them, and because women are increasingly inclined to do so, the traffickers refrain from extremely violent abuse of women that might cause the women to seek to escape from their captors and complain to the police. In a letter dated January 27, 2005, the state attorney instructed prosecutors to maintain close channels of communication with the residents and staff in the shelter, keeping them apprised, for example, of developments in the trials of their traffickers. On August 30, the state attorney's trafficking liaison officer visited the shelter to meet the victims and to improve communication between prosecutors and the shelter.

-- Labor trafficking: Police say that they also try to convince victims of labor trafficking to testify. NGOs

dispute this claim, and maintain that the general requirement to remain in the detention center during the course of the trial deters labor trafficking victims from testifying against their traffickers.

-- May victims file civil suits or seek legal action against the traffickers? Does anyone impede the victims' access to such legal redress?

Trafficking victims have a legal right to initiate civil suits against their traffickers, including suits in labor courts for labor law violations and suits in civil courts for contract and tort violations.

NGOs say that in practice victims face obstacles to legal action. Many victims do not have access to legal representation and therefore do not know that they may file suit. The necessity of remaining in Israel to conclude lawsuits deters many from filing an action in the first place.

-- Sex trafficking: Between the opening of the shelter in September 2004 and November 2005, Legal Aid lawyers assisted 64 women in civil legal proceedings, 11 victims waived the assistance, and 27 cases are pending before the courts. Victims also have the right to initiate petitions to the Supreme Court against government agencies. They have initiated several such petitions.

The attorney general decided during the year to support an appeal against awarding an accident victim, suffering from sexual malfunction, compensation in the form of permission to visit a brothel (in the case of Perdo v. Migdal Insurance Co. et al. (Supreme Court)). He cited in the decision his concern about the connection between trafficking and houses of prostitution. (Note: The Attorney General, as a matter of policy, intervenes in private cases only when he believes they involve an issue of public importance. End note.)

-- Labor trafficking: NGO representatives reported that they have provided legal representation to labor trafficking victims and other foreign workers who have suffered physical or economic abuse at the hands of employers. They claim to have won cases for about 300 foreign workers a year in recent years, with judgments for all their clients combined totaling \$500,000 to \$1 million each year.

-- Does anyone impede the victims' access to such legal Redress?

No, although NGOs point out that the government deports many victims before the victims have the opportunity to seek legal redress.

-- If a victim is a material witness in a court case against the former employer, is the victim permitted to obtain other employment or to leave the country?

Please see answer, above, to question A in the section on protection and assistance to victims.

-- Is there a victim restitution program?

The government does not operate a victim restitution program, but victims may seek redress in the court system. Section 77 of the Penal Law includes among its sanctions compensation for the victim of a crime up to the sum of approximately \$50,000 (228,000 NIS) for each crime.

In letters to prosecutors dated January 27 and February 9, 2005, the state attorney stressed the importance of requesting criminal compensation for victims of trafficking according to section 77 of the Penal Law. During the year, criminal courts awarded financial compensation to victims in sex trafficking cases. In one notable case, on February 23, 2006, a court awarded a victim \$66,000 (300,000 NIS). In another case, the court ordered the two defendants to pay the sum of approximately \$9,000 (40,000 NIS) to each of their trafficking victims. On March 3, 2005, the Labor Court of Beer Sheva obligated a company to pay its Nigerian foreign worker full remuneration for overtime, annual leave and recuperation benefit totaling approximately \$84,000 (354,185 NIS). The government provided summaries of 18 cases in which judges ordered traffickers to pay compensation to their victims. In addition, foreign workers may file petitions directly to the Supreme Court. In four major cases during 2005, foreign workers filed suit against the Interior Ministry, IA, and the GOI. The cases are still pending.

NGOs claim that the state attorney does not make victim compensation a priority, and thus victims often receive either no compensation or very low sums (equal to the profits, NGO workers claim, earned through one week of exploiting the victim). NGOs also note that it proved very difficult for victims awarded compensation actually to receive the money because their lack of suitable identification prevented them from opening Israeli bank

accounts, into which the state has always deposited compensation payments.

In response to NGO and victim complaints, the de facto coordinator worked with the director of the Courts Administration to allow payment of criminal compensation to trafficking victims by means of checks which are not &for deposit only.⁸ The resolution of this technical issue at the end of 2005 has greatly enhanced the ability of victims to receive both criminal and civil compensation, according to NGOs and the GOI.

-- F. What kind of protection is the government able to provide for victims and witnesses? Does it provide these protections in practice? What type of shelter or services does the government provide? Does it provide shelter or any other benefits to victims for housing or other resources in order to aid the victims in rebuilding their lives? Where are child victims placed (e.g. in shelters, foster-care type systems or juvenile justice detention centers)?

The police report that they provide physical and legal protection to approximately 100 witnesses in trafficking cases per year. On July 25, 2002, the state attorney and the Commissioner of police appointed an inter-ministerial committee, headed by the former district attorney of Jerusalem, to develop a witness protection plan. The inter-ministerial committee issued a recommendation in September 2004 that the government establish an authority to protect witnesses. On January 1, 2006, the GOI created the Authority for the Protection of Witnesses in Israel, to protect witnesses in utmost peril and, at the same time, allocated the responsibility for protecting witnesses not in such peril to the INP. The Authority will also be responsible for initiating legislation necessary to its functions and encourage international cooperation in this area.

The IA usually places in the Tsohar Detention Center detained persons identified as minors. Such detainees do not receive special attention from social workers or psychologists. Moreover, trafficking victims must prove to officials that they are minors; generally, NGOs facilitate this process by contacting the relevant embassies and consulates for confirmation of the detainees, age. When this process fails, IA officials send the minors for a bone check, which they claim serves as a reliable tool for age confirmation. Since 2004, NGOs report, they have come across 77 minors in the immigrant detention centers.

NGOs also report that the IA and the Interior Ministry deport minors back to their home countries without making arrangements for a reliable adult to meet them upon arrival. NGOs have petitioned the courts against what they claim is the mishandling and irresponsible deportation of minors. The case is still in court.

The GOI reports that it discovered during the year that Israeli companies regularly sought to earn illegal recruitment fees by defrauding Chinese foreign workers with promises of jobs in the nursing sector that proved non-existent. Officials from the ITL Ministry, Interior Ministry, and the MFA say they discussed this issue together with the Chinese Embassy. They reportedly reached a joint decision that, due to the possibility of trafficking, the GOI would no longer allow Chinese workers to be recruited for work in the nursing field.

-- G. Does the government provide any specialized training for government officials in recognizing trafficking and in the provision of assistance to trafficked victims, including the special needs of trafficked children? Does the government provide training on protections and assistance to its embassies and consulates in foreign countries that are destination or transit countries? Does it urge those embassies and consulates to develop ongoing relationships with NGOs that serve trafficked victims?

The government provides specialized training in recognizing trafficking victims to inspectors of the enforcement division of the ITL Ministry, police officers, and investigators in government departments that handle trafficking cases. The government provides training on the provision of assistance to trafficking victims to officials who work in the Ministry of Social Welfare and the IA. NGOs claim that the government offers inadequate training to IA officials who work at the detention centers.

For more information on training provided to government officials, please see answers, above, to question B in the overview section, to question C in the prevention section, and to question H in the section on the prosecution and investigation of traffickers.

No evidence exists of any child trafficking in Israel. Accordingly, the government does not provide specialized

training to handle trafficked children.

NGOs maintain that inspectors from the ITL Ministry continue to improve their ability to investigate allegations of trafficking and labor law violations, and that they receive adequate training. NGO representatives charge, however, that the Ministry does not have enough inspectors, and that not all of them receive the requisite training.

The GOI reports that the de facto coordinator briefed Israeli diplomats serving in countries of origin on the issue of trafficking in women as part of their pre-departure training.

According to the GOI, the ambassadors and consuls serving in Tashkent, Almaty and Minsk received this instruction in 2004.

During 2005, the coordinator briefed the Israeli ambassadors to Moscow and Kiev on the subject. The MFA reports that it decided in 2005 to include the topic of trafficking in persons as an integral part of the training course provided to all diplomats posted abroad in relevant countries.

MFA officials say that Israeli diplomats abroad raise the issue of trafficking in their meetings with relevant foreign governmental officials. The officials report that Israeli diplomats aim to reach the highest level of their host governments. They cite, as an example, the success of the Israeli Embassy in the Ukraine in persuading the wife of the President, Viktor Yuchenko, to become involved in the fight against trafficking in women.

The GOI does not currently conduct training for diplomats on protection and assistance at its embassies and consulates in transit countries, such as Egypt. The government did not develop relationships with trafficking NGOs in source countries, according to government and NGO contacts, although government officials met with NGO representatives from the Ukraine in a visit sponsored by an Israeli NGO. MFA officials claim, however, to raise the subject of trafficking in women regularly with their Egyptian counterparts. At the bi-annual military liaison meeting held in March 2005, in which officials from the Egyptian Foreign Ministry also participated, the MFA provided their Egyptian guests lectures from the INP on the subject of trafficking, and took them on a tour of the shelter.

NGOs maintain that the GOI does not coordinate effectively with foreign NGOs and governments to reintegrate trafficking victims into their home countries. NGOs say that some victims of sex trafficking often return home without money or social support to face violence and intimidation, and that sometimes traffickers send them back to Israel. Some victims of labor trafficking also return without money or social support to face violence from debtors, according to NGOs.

-- H. Does the government provide assistance, such as medical aid, shelter, or financial help, to its repatriated nationals who are victims of trafficking?

Israel is a destination country, not a source country. The Ministry of Foreign Affairs continued an informational campaign in most source countries to distribute brochures to potential victims of trafficking. Israeli Embassy and Consulate staffs distributed these informational brochures to visa applicants whom they suspected might become trafficking victims.

-- I. Which international organizations or NGOs, if any, work with trafficking victims? What type services do they provide? What sort of cooperation do they receive from local authorities?

The Hotline for Migrant Workers, based in Tel Aviv, provides assistance to victims of both sex and labor trafficking through legal representation and counseling; coordination of their return home; medical services, books and clothing; and liaising with the INP and MOJ. Kav LaOved, also based in Tel Aviv, provides legal assistance, translation and interpreting services, and advocacy for victims of labor trafficking. Isha LaIsha (Woman to Woman) plays an important role in the north of Israel, where it assists sex trafficking victims through individual case management, visiting detention centers, liaising with the government and police, and monitoring developments in the field. Local authorities generally cooperated with all of these organizations, although NGOs complained that, in some instances, officials responded slowly or denied the magnitude of the problem.

The International Organization for Migration has worked with the GOI to design a new recruitment program to fight labor trafficking. Amnesty International has taught hundreds of high school students about human rights and has begun to develop a program to teach about trafficking in persons, pending applications for financial support.

HEROES. For the past two TIP Reports, the TIP Report's introduction has included a section honoring Anti-Trafficking "Heroes" who came to G/TIP's notice during the preceding year as individuals or representatives of organizations that demonstrate an exceptional commitment to fighting TIP. Department would encourage post to nominate such individuals for inclusion in a similar section of the 2006 Report. Please submit, under a subheading of "TIP Hero(es)," a brief description of the individual or organization's work, and note that the appropriate individual(s) have been vetted through databases available to post (e.g. CLASS and any law enforcement systems) to ensure they have no visa ineligibilities or other derogatory information.

Rochelle Gershuni has proven that committed individuals can lead the fight against trafficking from within the government.

Since 2002, Mrs. Gershuni has tirelessly, resourcefully -- and diplomatically -- led the Israeli effort to fight trafficking in persons. She first learned about the issue by helping an individual victim to navigate the government bureaucracy of which Mrs. Gershuni herself is a part, as a lawyer in the MOJ. While still handling the cases of many individual victims, she soon developed into the unofficial, or de facto, anti-trafficking coordinator for the entire government of Israel.

Mrs. Gershuni helped convince Israeli officials in at least ten government departments to perceive trafficked women as victims instead of criminals, while simultaneously negotiating with these same officials vital changes in anti-trafficking policy. She drafted and amended legislation in cooperation with leaders in the parliament. She developed trusting relationships with Israel's anti-trafficking NGOs, filtering their on-the-ground knowledge into sound government policy.

In 2005, Mrs. Gershuni persuaded the police intelligence unit and the deputy attorney general to conduct risk assessments for trafficking victims; the deputy state attorney to change the policy on indicting trafficking victims; the Courts Administration to enable payment of court-awarded compensation to trafficking victims; the Ministry of Justice to provide translators in the immigrant detention tribunals; and the Ministry of Public welfare, the Immigration Administration and the Prisons Service to provide social workers in the detention facilities. This list of accomplishments represents only a fraction of the coordinator's achievements during the year.

Mrs. Gershuni played a constructive, behind-the-scenes role in almost every single anti-trafficking policy of the government of Israel during the past three years -- during which period Israel moved from Tier 3 to Tier 2.

She changed countless attitudes, shaped countless policies, and, most importantly, saved countless lives -- all without an official appointment, without an assistant, and while holding a full-time job unrelated to her work as the de facto anti-trafficking coordinator.

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JONES